IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION  

WENDY DAVIS, et al.,  
Plaintiffs,  

v.  

RICK PERRY, et al.,  
Defendants.  

AND  

LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS (LULAC), et al.  
Plaintiffs,  

v.  

THE STATE OF TEXAS, et al.,  
Defendants  

CIVIL ACTION NO.  
SA-11-CA-788-OLG-JES-  

CIVIL ACTION NO.  
SA-11-CA-0855-OLG-JES-R  

DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT  

EXHIBIT 7  

Declaration by Doug Davis
IN THE UNITED STATES DISTRICT COURT FOR THE
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SA-11-CA-788-OLG-JES-XR

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SA-11-CA-0855-OLG-JES-XR

DECLARATION OF DOUGLAS DAVIS

My name is Doug Davis. I am over the age of 18, of sound mind, and fully competent to
make this declaration. I have personal knowledge of the facts stated herein, and they are true and
correct.

1. I work for the Texas Senate. During the recently completed 82nd legislative
session, I served as Director of and Counsel to the Senate Select Committee on Redistricting and
Chairman Kel Seliger. My primary responsibility during the session was the drafting and
analyzing of proposed maps for the Texas Senate.

2. Although Census data did not become available until February 17, 2011, the
Senate Select Committee on Redistricting began the process of soliciting input on the Texas
Senate map in the Fall of 2010. These efforts involved holding public hearings across the State
in the cities of Austin, Dallas, Amarillo, Midland, Edinburg, San Antonio, and Houston. From
the Fall of 2010 through May 2011, Chairman Seliger and I also solicited input from incumbent Texas Senators regarding preferences for their districts. Texas Senator Wendy Davis of Senate District 10 offered input in both public hearings and in private meetings. On September 20, 2010, Senator Davis’s district director offered testimony at the Dallas public hearing. There she asked that the cities of Fort Worth and Arlington be treated with respect. She also asked that District 10 stay within Tarrant County.

3. After the Census data became available on February 17, 2011, the Lieutenant Governor asked Chairman Seliger to delay moving redistricting legislation through the legislative process until the Legislature passed a budget. The Senate passed a budget on Thursday May 5, 2011. Consistent with the Lieutenant Governor’s instructions, we waited until May 12, 2011 before bringing a proposed map before the Senate Select Committee on Redistricting. Prior to the May 12, 2011 hearing, Chairman Seliger and/or I privately met with most every Senator to discuss the districts of the individual Senators. These private meetings included a meeting in March 2011 with Senator Davis and another meeting on May 6, 2011. In those meetings, Senator Davis offered her position on District 10, including sharing two proposed maps of the district. From May 5, 2011 through May 11, 2011, Chairman Seliger and I met with and showed 30 of the 31 Senators a map of their proposed districts.

4. Although we were able to accommodate some of Senator Davis’s requests, such as keeping District 10 within Tarrant County, we could not accommodate all of her requests in the proposed map. Senator Davis, nevertheless, was consummately engaged in the redistricting process. At the May 12, 2011 Senate Select Committee on Redistricting hearing, Senator Davis offered testimony. At the May 13, 2011 Senate Select Committee on Redistricting hearing, Senator Zaffirini offered Senator Davis’s two District 10 proposals on Senator Davis’s behalf.
The Committee rejected these amendments. The Senate later rejected similar amendments on the floor. In violation of House and Senate protocol, Representatives Veasey and Alonzo reurged Senator Davis’s amendments in the House of Representatives. Again these amendments failed to garner the support of a majority. Ultimately, Plan S148 passed the Texas Senate by a vote of 29-2. It also passed the Texas House by a vote of 96-47.

5. The public also had access to the Legislature during the legislative process leading up to passage of Plan 148. In addition to the seven hearings held in the Fall of 2010, the Senate Select Committee on Redistricting held two public hearings during session on Senate Bill 31 (which would later become Plan S148). Nineteen members of the public from Tarrant County testified or registered a position on SB 31. Attached as Exhibit A is a true and correct copy of the witness list for the May 12, 2011 Senate Select Committee on Redistricting hearing.

6. From Fall 2010 through the passage of Plan S148 on May 21, 2011, Chairman Seliger and I maintained an open-door policy with Senators. We agreed to meet with any Senator that requested a meeting. We also spoke informally with every Senator, including Senator Davis and those representing minority districts. I personally visited in detail with Senators Zaffirini (District 21) and West (District 23). Senator Davis unquestionably availed herself of the legislative process leading up to passage of Plan S148 more than any other Senator.

7. At the time that I was drawing Senate District 10, I did not believe Senate District 10 to be a minority opportunity district of any kind. The election data to which I had access combined with the demographic data available to me led me to believe that minorities in Senate District 10 did not have the ability to elect their preferred candidates. I did not and do not believe her election was controlled by minority voters. Nor did I believe there was an opportunity to create an additional minority opportunity district in the Dallas Fort Worth area.
8. I believed that the following senate districts could be considered minority opportunity districts depending on the measure used: District 6, 13, 19, 20, 21, 23, 26, 27, 29. Consequently, throughout the redistricting process, I kept an eye on these districts for purposes of Section 5 of the Voting Rights Act to ensure that the ability of the minority population in those districts was not diminished. If I had believed that Senate District 10 was a minority opportunity district of any kind I would have done the same when contemplating changes to it.

9. I believed Senate District 10 to be a majority anglo republican district under the benchmark senate plan.

10. My intent during the drawing of Senate District 10 was to enhance the republican character of the district by adding republican voters and removing democratic voters. In doing so, I attempted to keep communities whole where I could.

11. I do not believe we missed an opportunity to create a minority opportunity district in the Dallas/Fort Worth area because the minority citizen voting age population in that area is currently too geographically dispersed to produce a legally defensible district using traditional redistricting principles. If I had believed it was possible to draw a section 2 voting rights act district in the DFW area, I would have drawn it.

12. Any changes that I made to the benchmark plan, including changes in the Dallas/Fort Worth area, were never intended to harm any voter or group of voters on account of their race, ethnicity or national origin.

13. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 4, 2011.

[Signature]

Douglas C. Davis
WITNESS LIST

SB 31
Senate Committee Report
Redistricting, Select

May 12, 2011 - 9:00 AM

FOR:

Dunlap, Ray  Community Development Manager (Town of Fairview / Allen Fairview Chamber of Commerce), Fairview, TX
Self, Keith  County Judge, Collin County (Collin County), McKinney, TX

AGAINST:

Adkisson, Tommy  County Commissioner (Self; Judge Nelson Wolff), San Antonio, TX
Alviar, Joe  District 10 voter (Self), Kennedale, TX
Angle, John D.  (Fort Worth City Council Members Burns, Espino, Moss, Hicks), Fort Worth, TX
Banks, Yannis  (TX NAACP), Austin, TX
Burnam, Lon  State Rep Dist 90 (also providing written testimony) (Self), Ft. Worth, TX
Crenshaw, Sandra  (LAC PAC), Dallas, TX
DeLeon, Joseph  Chair- Elect (also providing written testimony) (Fort Worth Hispanic Chamber of Commerce), Burleson, TX
Elliott, Monte  (Self), Fort Worth, TX
Gutierrez, Felipe  (Self; The City of Kennedale / Residence), Kennedale, TX
Jenkins, John  (John Jenkins Rep AMAC), Arlington, TX
Jennings, Dee  (also providing written testimony) (Self), Forest Hill, TX
Lara, Rene  (Self), Austin, TX
Means, Bertha S.  (Self), Austin, TX
Pfeifer, Jeri  (also providing written testimony) (Self; Everman ISD), Fort Worth, TX
Porter, Amise  Community (AA Community), Ft. Worth, TX
Privett, Anita  Advocacy VP- LWV- TX (also providing written testimony) (League of Women Voters of Texas), Austin, TX
Scott, Stephen  Community Resident (All African Americans in my Community), Arlington, TX
Stanley, Alfred  (Self), Austin, TX
Veasey, Marc  State Representative- Dist 95 (District 95, Constituents), Ft. Worth, TX

ON:

Day, Bob  (also providing written testimony) (Self), Garland, TX

Registering, but not testifying:

Against:

Attaway, Major S.  Director of Economic Development FWMBCC (Fort Worth Metropolitan Black Chamber), Fort Worth, TX
Benoit, LaTonia  (Self), Houston, TX
Berry, Stephen  Pastor / School Teacher (SD 10), Forest Hill, TX
Burleson, Sandra  (Self), Houston, TX
Dunivent, Gwen  Constituent (Self), Garland, TX
Francis, Kishma  (PATHS Forward (Leadership Program in FW)), Fort Worth, TX
Gaston, Altheria  Teacher (PATHS Forward Leadership Class), Fort Worth, TX
WITNESS LIST

SB 31
Senate Committee Report
Redistricting, Select

Harris, Cynthia R.  Bargaining Committee Member (UAW Local 218), Fort Worth, TX
Jones, Jr., Mr. Shannon  (Self), Rhome, TX
Morrison, Jonathan  (PATHS Forward), Fort Worth, TX
Perry-Barker, Chandra  Director of Operations (PATHS Forward), Fort Worth, TX

On:

Beauchamp, James  Midland County Republican Chair (Midland County Republican Party), Midland, TX
Flores, Robert  Member (Texas Latino Redistricting Task Force, on behalf of Nina Perales), Austin, TX
Jones, Max  Intergovernmental Relations Assistant (Travis County Commissioners Court), Austin, TX